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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD DEWAYNE HUNT,

12 Petitioner,

No. CIV S-05-0126 DFL GGH P

13 v.

14 CLAUDE FINN,

ORDER

15 Respondent.
16 _____/

17 Petitioner, a state prisoner, has timely filed a notice
18 of appeal of this court's March 17, 2006 dismissal of his
19 application for a writ of habeas corpus. Before petitioner can
20 appeal this decision, a certificate of appealability must issue.
21 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

22 Under 28 U.S.C. § 2253, a certificate of appealability is
23 warranted only if the case presents a "substantial question,"
24 i.e., one that is "'debatable among jurists of reason,'" could be
25 resolved differently by a different court, or is "'adequate to
26 deserve encouragement to proceed further.'" Jennings v.

1 Woodford, 290 F.3d 1006, 1010 (9th Cir. 2002) (quoting Barefoot
2 v. Estelle, 463 U.S. 880, 893 (1983)).

3 This case presents no such "substantial question." The
4 issues raised have been resolved by the Supreme Court in Pace v.
5 Guglilmo, 125 S.Ct. 1807 (2005). Accordingly, the court will not
6 issue a certificate of appealability in the present action.

7 IT IS SO ORDERED.

8 Dated: 8/3/2006

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12 DAVID F. LEVI
13 United States District Judge
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